

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

JAMES GREGORY LYNN,
TDCJ 636695,
Plaintiff,

versus

RANDALL HEALY, ET AL.,
Defendants.

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CIVIL ACTION H-08-255

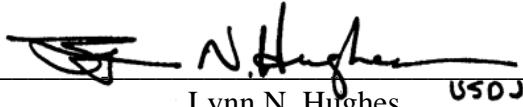
Opinion on Dismissal

James Gregory Lynn filed a civil rights complaint. He is in the state prison. Lynn has moved to proceed as a pauper. Lynn has sued 19 other times in the federal district courts in Texas. The district court dismissed four of these lawsuits as frivolous or for failure to state a claim. *See Lynn v. Allen, et al.*, 1:03cv538 (E.D. Tex.); *Lynn v. Boykin, et al.*, 6:02cv24 (W.D. Tex.); ; and *Lynn v. Herrera, et al.*, 5:06cv742 (W.D. Tex.). When Lynn sued, he was confined in prison or jail. The district court dismissed these other cases before Lynn filed this case. The U.S. Court of Appeals dismissed one of his appeals as frivolous. *See Lynn v. Allen, et al.*, Court of Appeals No. 03-41622.

A prisoner may not bring a case in federal court as a pauper if, while incarcerated, he brought three actions which the court dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Lynn says he is under imminent danger of serious physical injury based on the medical condition of his hand and retaliation. He says he has been under this danger intermittently since July 2, 2007. Lynn's allegations do not show that he was or is under imminent danger of serious physical injury.

This complaint is dismissed. 28 U.S.C. § 1915(g).

Signed January 25, 2008, at Houston, Texas.


Lynn N. Hughes
United States District Judge